

## SENATE BILL NO. 318

INTRODUCED BY P. EKEGREN

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE SPEED LIMIT OF 40 MILES PER HOUR FOR AGRICULTURAL VEHICLES BEING OPERATED ON HIGHWAYS DURING HARVEST SEASON; INCREASING FROM 50 MILES TO 100 MILES THE DISTANCE THAT VEHICLES MAY TRAVEL FROM THE HARVESTED FIELD; INCREASING FROM 7 PERCENT TO 10 PERCENT THE AMOUNT BY WHICH CERTAIN VEHICLES MAY EXCEED WEIGHT LIMITS WITHOUT INCURRING PENALTIES; AMENDING SECTIONS 61-10-130 AND 61-10-144, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-10-130, MCA, is amended to read:

**"61-10-130. Custom combiner's special permit -- fee -- collection -- distribution -- not transferable.**

(1) In lieu of the taxes required by 15-24-301 and in lieu of motor vehicle license fees, gross vehicle weight fees, and overwidth, overlength, and overheight permits provided for in Title 61, a nonresident engaged in the business of custom combining who brings equipment into the state may pay a special permit fee of \$40 ~~per~~ for each unit. A unit ~~shall include~~ includes:

(a) one truck suitable for hauling grain;

(b) one header trailer or one combine trailer; and

(c) pickup trucks and all other equipment, except combines, used by a nonresident and brought into the state as part of ~~his~~ the nonresident's business of custom combining.

(2) In lieu of gross vehicle weight fees and overwidth, overlength, and overheight permits, Montana residents engaged in the business of custom combining may pay the annual farm gross vehicle weight fees and a special permit fee of \$20 ~~per~~ for each unit. A unit includes:

(a) one truck suitable for hauling grain;

(b) one header trailer or one combine trailer; and

(c) pickup trucks used by the resident in ~~his~~ the resident's business of custom combining.

(3) When used to transport agricultural products, a truck authorized to be used under a custom combiner's special permit may be operated only within a ~~50-mile~~ 100-MILE radius from the harvested field

1 to the point of first unloading. The truck may not haul agricultural products from one commercial elevator  
2 to another commercial elevator. The truck may be operated on any highway, except a highway that is part  
3 of the federal-aid interstate system, without incurring excess weight penalties under 61-10-145 if the total  
4 gross weight of the truck does not exceed allowable weight limitations by more than 20% ~~per~~ for each  
5 axle and the maximum load ~~per~~ for each inch of tire width does not exceed 670 pounds. ~~The truck may~~  
6 ~~not be operated in excess of 40 miles per hour.~~ No trip permit is required. If the truck exceeds the  
7 tolerance provided under this subsection, the fine or penalty imposed applies to all weight over the legal  
8 limit allowed by 61-10-107.

9 (4) A combine trailer authorized to be used under subsection (1)(b) or (2)(b) may be operated  
10 under the same limitations and ~~until July 1, 1991,~~ may be operated within the same tolerances granted  
11 trucks under subsection (3), except that the ~~50-mile~~ 100-MILE limitation does not apply and the combine  
12 trailer may be used upon any highway of the state, including a highway that is part of the federal-aid  
13 interstate system. If the combine trailer exceeds the tolerance provided under subsection (3), the fine or  
14 penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

15 (5) The fee required by this section must be collected by the department of transportation. Upon  
16 payment of the fee, the department of transportation ~~must~~ shall provide an identifying device to be  
17 displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident  
18 or resident in ~~his~~ the business of custom combining in the state, ~~which,~~ The device is valid for the calendar  
19 year in which the fee is collected.

20 (6) All fees collected under this section must be distributed not later than January 31 immediately  
21 following the period of ~~license~~ licensure as follows:

22 (a) 62 1/2% to the county general fund in the county in which the permittee declares that the  
23 greatest amount of time will be spent ~~to operate,~~ operating the vehicle; and

24 (b) 37 1/2% to the state special revenue fund for the department of transportation.

25 (7) The identifying devices and fee paid for each unit are not transferable from one vehicle to  
26 another or transferable on the sale or change of ownership.

27 (8) The department of transportation may adopt rules, as provided in Title 2, chapter 4, to  
28 implement the provisions of this section."

29

30 **Section 2.** Section 61-10-144, MCA, is amended to read:

**"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or

corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

(2) The operator of a vehicle or combination of vehicles may move over the highways to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable total gross weight limitations by more than ~~7%, or 10% for garbage trucks,~~ and if the weight carried by any axle or combination of axles does not exceed the allowable axle weight limitations by more than ~~7%, or 10% for garbage trucks.~~ If the vehicle or combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than ~~7%, or 10% for garbage trucks,~~ the department may issue a single trip permit for the fee of \$10, allowing the vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of ~~7%, or 10% for garbage trucks,~~ are subject to the fines provided in 61-10-145, and all loads in excess of ~~7%, or 10% for garbage trucks,~~ of the total gross or axle weight limitations:

(a) may be required to be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing; or

(b) may be issued a permit as authorized by 61-10-141.

(3) Farm vehicles transporting agricultural products from a harvesting combine or other harvesting machinery may ~~move over a~~ be operated on any highway, except ~~any~~ a highway that is part of the federal-aid interstate system, within a ~~50-mile~~ 100-MILE radius of the harvested field to the point of first unloading without incurring ~~the~~ excess weight penalties ~~set forth in~~ under 61-10-145 if the total gross weight of the farm vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20% for each axle, ~~but~~ and the maximum load for each inch of tire width ~~may~~ does not exceed 670 pounds. ~~The farm vehicle or combination of vehicles may not exceed 40 miles an hour.~~ A single trip permit, as required in subsection (2), is not applicable to the farm vehicle or combination of vehicles. When a farm vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed applies to that portion of the load above the legal limit.

~~———(4) For the purposes of this section, a garbage truck means only a motor vehicle operated by a Class D motor carrier, as determined and regulated by the public service commission pursuant to 69-12-301(5)."~~

2 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

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